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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/805,781
Filing Date	March 22, 2004
First Named Inventor	Abrego
Art Unit	2626
Examiner Name	Pierre, Myriam
Attorney Docket Number	50T5608.01/1697

ENCLOSURES (Check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
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<input type="checkbox"/> Affidavits/declaration(s)
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Redwood Patent Law		
Signature			
Printed name	Gregory J. Koerner		
Date	5/10/07	Reg. No.	38,519

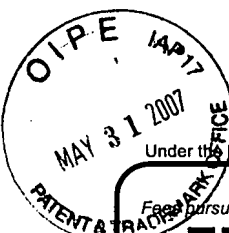
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Signature			
Typed or printed name	Gregory J. Koerner	Date	5/29/07

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Effective on 12/08/2004.
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2007☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500**Complete if Known**

Application Number	10/805,781
Filing Date	March 22, 2004
First Named Inventor	Abrego
Examiner Name	Pierre, Myriam
Art Unit	2626
Attorney Docket No.	50T5608.01/1697

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-3367 Deposit Account Name: Redwood Patent Law

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x	=	
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)Other (e.g., late filing surcharge): Appeal Brief Filing Fee\$500**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 38,519	Telephone 650-358-4000
Name (Print/Type)	Gregory J. Koerner	Date	5/10/07

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**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

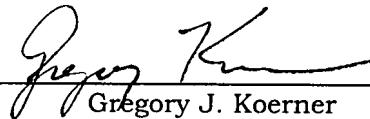
APPLICANT(S): Abrego et al.
APP. NO.: 10/805,781
FILED: March 22, 2004
TITLE: System And Method For Automatically Cataloguing
Data By Utilizing Speech Recognition Procedures
EXAMINER: Pierre, Myriam
ART UNIT: 2626
ATTY DKT NO: 50T5608.01/1697

CERTIFICATE OF MAILING

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5/29/07



Gregory J. Koerner

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
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Dear Sir:

The following Appeal Brief is submitted in an Appeal from the Final Office Action of January 3, 2007 in the above-referenced Patent Application.

(1) Real parties in interest

The real parties in interest in the above-referenced patent application are Sony Corporation, a Japanese corporation with offices in Tokyo, Japan, and Sony Electronics Inc., a Delaware corporation with offices in New Jersey.

(2) Related appeals and interferences

To the present knowledge of Appellants' legal representative, there are currently no related appeals or interference proceedings in progress which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

(3) Status of Claims

Claims 1, 3-16, 18-21, 23-36, and 38-47 stand rejected under 35 U.S.C. § 102(b), and claims 2, 17, 22, and 37 stand rejected under 35 U.S.C. § 103(a).

The rejections of claims 1, 3-16, 18-21, 23-36, and 38-47, and the rejections of claims 2, 17, 22, and 37 are being appealed.

(4) Status of Amendments

On January 3, 2007, a Final Office Action in the present Application was mailed to Applicants' Representative. In response, on March 30, 2007, the Applicants filed a Notice of Appeal in the present Application.

(5) Summary of Claimed Subject Matter

In accordance with one embodiment of the present invention, a system user utilizes an electronic device 110 to capture audio/video data (AV data) 226 while simultaneously providing a verbal narration 714 that is recorded as part of the AV data 226. In certain embodiments, when a label manager 218 instructs the electronic device 110 to enter a label mode, a speech recognition engine 214 of the electronic device 110 responsively performs speech recognition procedures upon the recorded AV data 226 (including the verbal narration 714) to automatically generate corresponding text labels 222.

In certain embodiments, the label manager 218 may optionally instruct a post processor 718 to perform appropriate post-processing functions on the text labels 222. For example, the post processor 718 may perform a validation procedure using one or more confidence measures to eliminate invalid text strings that fail to satisfy certain pre-determined criteria. The text labels 222 are then stored in any appropriate manner. For example, the label manager 218 may store each of the text labels 222 at different subject matter locations in the AV data 226 depending upon where the corresponding original narration 714 occurred. The text labels 222 may also be stored separately along with certain meta-information (such as video timecode) that identifies specific subject matter locations in the AV data 226 that correspond to respective text labels 222.

In a label search mode, the label manager 218 coordinates label search procedures for the electronic device 110. In certain embodiments, the label

manager 218 generates a label-search graphical user interface (GUI) upon a display 134 of the electronic device 110 for enabling a system user to utilize the text labels 222 to thereby locate corresponding sections of the AV data 226. In certain embodiments, the label search GUI includes, but is not limited to, a list of text labels 222 along with corresponding respective thumbnail images of associated video locations in the AV data 226.

A system user may then select a desired search label by using any appropriate means. After a search label has been selected by the system user, then the label manager 218 instructs the electronic device 110 to automatically locate and display a corresponding section from the AV data 226. For at least the foregoing reasons, the present invention effectively provides an improved system and method for automatically cataloguing data by utilizing speech recognition procedures.

Independent claim 1 recites “an electronic device that captures” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 1 also recites “a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 1 further recites “a label manager that manages a label mode for” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 21 recites “capturing audio/video data corresponding

to a photographic target by utilizing an electronic device” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 21 also recites “providing a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 21 further recites “managing a label mode . . . ,” and “controlling a label search mode” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 41 recites “capturing audio/video data corresponding to a photographic target by utilizing an electronic device” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 41 also recites “providing a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 41 further recites “managing a label mode . . . ,” and “controlling a label search mode” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 42 includes four elements that are recited utilizing “means plus function” language. Independent claim 42 recites “means for capturing” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 42 also recites “means for automatically performing” The foregoing subject matter is discussed in

the Specification, for example, at page 15, lines 4-23. Claim 42 further recites “means for managing . . . ,” and “means for controlling” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 43 recites “an imaging device that captures” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 43 also recites “a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 43 further recites “a label manager that manages a label mode during which” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24..

Independent claim 44 recites “an electronic device that captures” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 44 also recites “a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 44 further recites “a label manager that manages a label mode for” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 45 recites “an electronic device that captures” The foregoing subject matter is discussed in the Specification, for example, at

page 14, lines 23-32. Claim 45 also recites “a speech recognition engine that automatically performs” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23.

Independent claim 46 recites “an electronic device that captures” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 46 further recites “a label manager that manages a label mode for” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

Independent claim 47 recites “capturing electronic data which includes a narration” The foregoing subject matter is discussed in the Specification, for example, at page 14, lines 23-32. Claim 47 also recites “performing a speech recognition process” The foregoing subject matter is discussed in the Specification, for example, at page 15, lines 4-23. Claim 47 further recites “utilizing said labels” The foregoing subject matter is discussed in the Specification, for example, from page 15, line 23 through page 16, line 24.

The subject matter of dependent claims 4 and 24 is discussed in the Specification, for example, at page 17, lines 3-32. The subject matter of dependent claims 5, 14, 18, 25, 34, and 38 is discussed in the Specification, for example, at page 15, lines 9-12, and at page 16, lines 11-14. The subject matter of dependent claims 6 and 26 is discussed in the Specification, for example, at page 17, lines 3-32.

The subject matter of dependent claims 7, 12-13, 27, and 32-33 is

discussed in the Specification, for example, at page 15, lines 23-28. The subject matter of dependent claims 2 and 22 is discussed in the Specification, for example, at page 8, lines 1-4. The subject matter of dependent claims 17 and 37 is discussed in the Specification, for example, at page 20, lines 10-23.

(6) Grounds Of Rejection To Be Reviewed Upon Appeal

- I. Rejections of claims 1, 3-16, 18-21, 23-36, and 38-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,649,060 to Ellozy et al.
- II. Rejections of claims 2, 17, 22, and 37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 5,649,060 to Ellozy et al. in view of U.S. Patent No. 6,807,367 to Durlach.

(7) Argument

I. 35 U.S.C. § 102(b)

On page 2 of the Office Action, the Examiner rejects claims 1, 3-16, 18-21, 23-36, and 38-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,649,060 to Ellozy et al. (hereafter Ellozy). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Ellozy fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

(A). Claims 1, 3, 8-11, 15-16, 19-20, 21, 23, 28-31, 35-36, and 39-40

Regarding the Examiner’s rejections of independent claims 1 and 21, Applicants submit claims 1 and 21 recite limitations are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto. For example, claim 1 recites “*said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data*” (emphasis added).

Ellozy teaches a technique for aligning a pre-existing “written transcript” with ambient speech in an A/V recording. In particular, Ellozy teaches using a speech recognizer to convert the recorded ambient speech into decoded text

that is associated with timestamps. Ellozy then matches the written transcript to the decoded text to associate the timestamps with the written transcript as “index data” (see column 3, line 31 to column 4, line 67). Through this technique, Ellozy converts the pre-existing written transcript into index data.

In contrast, Applicants nowhere claim utilizing any type of pre-existing written transcript, as taught by Ellozy. On the contrary, Applicants claim directly converting “narration” provided by a narrator (such as a device user of the A/V capture device) into the “labels” for performing search procedures. Furthermore, the narration is provided at the same time as the A/V data is recorded specifically “*to identify respective subject matter locations in said audio/video data*” (emphasis added). Applicants submit that nowhere in the entire disclosure does Ellozy refer to or mention any type of “narration” or “narrator.”

On the contrary, Ellozy teaches an extremely time-consuming and burdensome process of creating a written transcript and then comparing the written transcript to a text version of recorded audio information. Applicants submit that this is clear evidence that any recorded utterances in Ellozy are initially unknown to the device user, and therefore no narrator is involved. Otherwise, why would Ellozy engage in such a lengthy and tiresome procedure as the foregoing transcription and comparison processes? Applicants therefore submit that the written transcript of Ellozy is merely ambient speech that was uttered by human subjects during the course of the A/V recording, and is not a

verbal “narration” produced by a “narrator.”

Applicants therefore respectfully submit that Ellozy nowhere teaches “*a narration provided by a narrator,*” and more specifically fails to teach recording a device-user’s narration that is provided expressly “*to identify respective subject matter locations in said audio/video data*” (emphasis added), as claimed by Applicants. For at least the foregoing reasons, Applicants submit that claims 1 and 21 are not anticipated by the teachings of Ellozy.

Regarding the Examiner’s rejection of dependent claims 3, 8-11, 15-16, 19-20, 23, 28-31, 35-36, and 39-40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration of dependent claims 3, 8-11, 15-16, 19-20, 23, 28-31, 35-36, and 39-40.

(B). Independent Claim 41

Regarding the Examiner’s rejections of independent claim 41, Applicants submit that claim 41 recites limitations are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto. For example, claim 41 recites “*said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data*” (emphasis

added).

Independent claim 41 recites certain limitations that are similar to corresponding limitations of independent claim 21 that were discussed in detail above. Applicants therefore here incorporate, with respect to independent claim 41, those arguments made above in connection with independent claim 21. In addition, Applicants submit that independent claim 21 is directed towards a method for practicing Applicants' invention. However, independent claim 41 is directed towards a "*computer-readable medium comprising program instructions*" For at least the foregoing reasons, Applicants submit that claim 41 is not anticipated by the teachings of Ellozy.

(C).

Independent Claim 42

With regard to claim 42, "means-plus-function" language is utilized to recite elements and functionality similar to those recited in claims 1 and 21, as discussed elsewhere. Applicants therefore incorporate those remarks by reference with regard to claim 42. In addition, the Courts have frequently held that "means-plus-function" language, such as that of claim 42, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. In particular, independent claim 42 includes four elements that are recited utilizing "means plus function" language. Applicants respectfully submit that,

in light of the substantial differences between the teachings of Ellozy and Applicants' invention as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of Ellozy.

(D). Independent Claim 43

Regarding the Examiner's rejections of independent claim 43, Applicants submit that claim 43 recites limitations are not taught or suggested either by the cited reference, or by the Examiner's citations thereto. For example, claim 43 recites "*said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data*" (emphasis added).

Independent claim 43 recites certain limitations that are similar to corresponding limitations of independent claim 1 that were discussed in detail above. Applicants therefore here incorporate, with respect to independent claim 43, those arguments made above in connection with independent claim 1. In addition, Applicants submit that independent claim 43 recites a substantial number of additional limitations that are not present in independent claim 1. For example, claim 43 recites various specific details regarding a "*label mode*" and a separate "*label search mode*" that are both managed by a "*label manager*." For at least the foregoing reasons, Applicants submit that claim 43 is not anticipated by the teachings of Ellozy.

(E). Independent Claims 44 and 47

Regarding the Examiner's rejections of independent claims 44 and 47, Applicants submit that claims 44 and 47 recite limitations are not taught or suggested either by the cited reference, or by the Examiner's citations thereto. For example, claims 44 recites verbal narration data "provided to identify respective subject matter locations in said audio/video data" (emphasis added). Independent claims 44 and 43 recite certain limitations (in a somewhat broader manner) that are similar to corresponding limitations of independent claims 1 and 21 that were discussed in detail above. Applicants therefore here incorporate, with respect to independent claims 44 and 47, those arguments made above in connection with independent claims 1 and 21. For at least the foregoing reasons, Applicants submit that claims 44 and 47 are not anticipated by the teachings of Ellozy.

(F). Independent Claim 45

Regarding the Examiner's rejections of independent claim 45, Applicants submit that claim 45 recites limitations are not taught or suggested either by the cited reference, or by the Examiner's citations thereto. For example, claims 45 recites a narration provided by a narrator specifically "to identify respective subject matter locations in said audio/video data" (emphasis added). Independent claim 45 recites certain limitations that are similar to corresponding limitations of independent claim 1 that was discussed in detail

above. However, independent claim 45 fails to expressly recite a “label manager.” Applicants therefore here incorporate, with respect to independent claim 45, those arguments made above in connection with independent claim 1. For at least the foregoing reasons, Applicants submit that claim 45 is not anticipated by the teachings of Ellozy.

(G). Independent Claim 46

Regarding the Examiner’s rejections of independent claim 46, Applicants submit that claim 46 recites limitations are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto. For example, claims 46 recites a narration provided by a narrator specifically “to identify respective subject matter locations in said audio/video data” (emphasis added).

Independent claim 46 recites certain limitations that are similar to corresponding limitations of independent claim 1 that was discussed in detail above. However, independent claim 46 fails to expressly recite a “speech recognition engine.” Applicants therefore here incorporate, with respect to independent claim 46, those arguments made above in connection with independent claim 1. For at least the foregoing reasons, Applicants submit that claim 46 is not anticipated by the teachings of Ellozy.

(H). Dependent Claims 4 and 24

Regarding the rejections of dependent claims 4 and 24, Applicants submit that Ellozy fails to teach a “real-time label mode for creating and storing said labels” while “concurrently capturing said audio/video data” (emphasis added), as claimed by Applicants. As discussed above, the technique of Ellozy is based upon initially generating a pre-existing “written transcript.” Therefore, Ellozy is unable to generate Applicants’ claimed “labels” in real time while the audio/video data is being captured. For at least the foregoing reasons, Applicants therefore submit that claims 4 and 24 are not unpatentable in light of the cited reference. Applicants therefore respectfully request withdrawal of the rejections of claims 4 and 24.

(I). Dependent Claims 5, 14, 18, 25, 34, and 38

With regard to the rejections of dependent claims 5, 14, 18, 25, 34, and 38, Applicants claim using the claimed “speech recognition engine” to handle various system user commands for controlling corresponding claimed functionality of the present invention. Applicants submit that Ellozy fails to disclose or teach using a speech recognition engine to allow a system user to verbally control and interact with a video camcorder or other host system,” as recited by Applicants in claims 5, 14, 18, 25, 34, and 38. Applicants therefore respectfully submit that the rejections of claims 5, 14, 18, 25, 34, and 38 under 35 U.S.C. §102 are improper.

(J). Dependent Claims 6 and 26

Regarding the rejections of dependent claims 6 and 26, Applicants submit that Ellozy fails to teach that “*said speech recognition engine automatically generates said labels **as** said electronic device captures said audio/video data and said narration*” (emphasis added), as claimed by Applicants. As discussed above, the technique of Ellozy is based upon initially generating a pre-existing “written transcript.” Therefore, Ellozy is unable to concurrently generate Applicants’ claimed “labels” while the audio/video data is being captured. For at least the foregoing reasons, Applicants therefore submit that claims 6 and 26 are not unpatentable in light of the cited reference. Applicants therefore respectfully request withdrawal of the rejections of claims 6 and 26.

(K). Dependent Claims 7, 12-13, 27, and 32-33

With regard to the rejections of dependent claims 7, 12, 27, and 32, Applicants claim performing a “*post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid text labels that fail to satisfy pre-determined validation criteria*” (emphasis added). Furthermore, in claims 13 and 33, Applicants recite “*a label validation procedure for validating said text labels, said label manager generating a validation graphical user interface upon a display of said electronic device for a system user to interactively evaluate, delete, and edit said text labels*” (emphasis

added).

The Examiner cites column 7, lines 53-63, of Ellozy against the limitations recited in claims 7, 12, 27, and 32. Applicants respectfully traverse, and submit that the cited passage of Ellozy fails to disclose or teach a “*validation procedure*” that uses “*confidence measures to eliminate invalid text labels*,” as recited by Applicants in claims 7, 12, 27, and 32. In addition, Applicants further submit that Ellozy nowhere teaches using a “*a validation graphical user interface*” to allow a “*system user to interactively evaluate, delete, and edit said text labels*,” as recited by Applicants in claims 13 and 33. Applicants therefore respectfully submit that the rejections of claims 7, 12, 13, 27, 32, and 33, under 35 U.S.C. § 102(e) are improper.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Ellozy to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1, 3-16, 18-21, 23-36, and 38-47.

II.

35 U.S.C. § 103

On page 8 of the Office Action, the Examiner rejects claims 2, 17, 32, and 37 under 35 U.S.C. § 103 as being unpatentable over Ellozy in view of U.S. Patent No. 6,807,367 to Durlach (hereafter Durlach). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Applicants respectfully traverse the Examiner's assertion that modification of the device of Ellozy according to the teachings of Durlach would produce the claimed invention. Applicants submit that Ellozy in combination with Durlach fail to teach a substantial number of the claimed elements of the present invention. Furthermore, Applicants also submit that neither Ellozy nor

Durlach contain teachings for combining the cited references to produce the Applicants' claimed invention. The Applicants therefore respectfully submit that the obviousness rejections under 35 U.S.C §103 are improper.

(A). Dependent Claims 2 and 22

With regard to claims 2 and 22, the Examiner concedes that Ellozy fails to "explicitly teach wherein said electronic device is implemented as an audio/video camcorder device." Applicants concur. The Examiner then points to Durlach to purportedly remedy this deficiency in Ellozy. Applicants respectfully traverse. The Examiner cites column 1, lines 43-55, of Durlach to support the rejections of claims 2 and 22. Applicants submit that column 1, lines 43-55, of Durlach contains only the briefest mention of the word "camcorder," without any relevant teaching of a combination with Ellozy to produce Applicants' invention.

The Examiner then cursorily concludes that "[t]herefore, it would have been obvious to one in the ordinary skill in the art . . . because . . . creating a new movie image content is relatively inexpensive and straightforward even for the individual consumer." Applicants respectfully submit that a *general restatement of the advantages disclosed by the Applicants* deriving from implementation of the present invention cannot act as the required teaching or suggestion to combine cited references for a proper rejection under 35 U.S.C. § 103. Courts have repeatedly held that "it is impermissible . . . simply to engage

in *hindsight reconstruction* of the claimed invention, using the Applicants' structure as a template and selecting elements from references to fill in the gaps." In re Gorman, 18 USPQ 1885, 1888 (CAFC 1991).

With further regard to the rejections of claims 2 and 22, Applicants observe that, in general, both camcorders and speech recognition technology have been known for some time. However, Applicants submit that their unique solution of utilizing a "speech recognition engine" to efficiently create their claimed "labels" to facilitate a "label search mode" shows the clear existence of secondary indicia of non-obviousness. For example, there apparently has been a long-felt need for Applicants' solution in the relevant technological field. Furthermore, other entities and individuals in analogous arts have apparently failed to successfully overcome the foregoing problems in the manner disclosed by Applicants.

(B). Dependent Claims 17 and 37

With regard to claims 17 and 37, the Examiner concedes that Ellozy fails to "explicitly teach display." Applicants concur. The Examiner then points to Durlach to purportedly remedy this deficiency in Ellozy. Applicants respectfully traverse. The Examiner cites column 1, lines 12-17, of Durlach to support the rejections of claims 17 and 37. Applicants submit that column 1, lines 12-17, of Durlach nowhere teaches any sort of GUI. More specifically, Applicants submit that column 1, lines 12-17, of Durlach fails to teach "*a label-*

search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images from said audio/video data for selecting a search label,” as claimed by Applicants.

For at least the foregoing reasons, the Applicants submit that claims 2, 17, 32, and 37 are not unpatentable under 35 U.S.C. § 103 over Ellozy in view of Durlach, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 2, 17, 32, and 37 under 35 U.S.C. § 103.

SUMMARY

For all the foregoing reasons, it is earnestly and respectfully requested that the Board of Patent Appeals and Interferences reverse the rejections of claims 1-47, so that the present Application may be allowed and pass to issue in a timely manner.

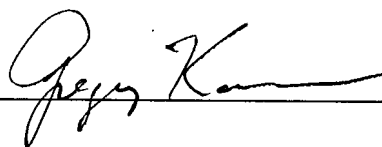
Respectfully Submitted,

Abrego et al.

Date: _____

5/10/07

By: _____



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(8) Claims Appendix

1. A system for cataloguing electronic information, comprising:
an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data;
a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations in said audio/video data; and
a label manager that manages a label mode for generating and storing said labels, said label manager also controlling a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data.
2. The system of claim 1 wherein said electronic device is implemented as an audio/video camcorder device.
3. The system of claim 1 wherein said speech recognition engine is configured in a simplified configuration that efficiently compares said narration with acoustic models to identify phone strings that represent said narration, said speech recognition engine referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings, said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels that are supported by said speech recognition engine.

4. The system of claim 1 wherein said label manager initially instructs said electronic device to enter a real-time label mode for creating and storing said labels, said electronic device concurrently capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode.
5. The system of claim 1 wherein said electronic device enters a real-time label mode in response to a verbal label-mode command from a system user, said verbal label-mode command being recognized and provided to said label manager by said speech recognition engine.
6. The system of claim 1 wherein said speech recognition engine automatically generates said labels as said electronic device captures said audio/video data and said narration.
7. The system of claim 1 wherein a post processor performs a post-processing procedure upon said labels in a real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria.
8. The system of claim 1 wherein said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels.
9. The system of claim 1 wherein said electronic device initially captures said audio/video data and said narration prior to entering said label mode.

10. The system of claim 1 wherein said label manager instructs said electronic device to enter a non-real-time label mode for creating and storing said labels, said electronic device responsively retrieving and playing back said audio/video data and said narration.
11. The system of claim 1 wherein said speech recognition engine automatically generates said labels by analyzing said audio/video data and said narration as said electronic device plays back said audio/video data and said narration.
12. The system of claim 1 wherein a post processor performs a post-processing procedure upon said labels in a non-real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria.
13. The system of claim 1 wherein said label manager coordinates a label validation procedure for validating said labels, said label manager generating a validation graphical user interface upon a display of said electronic device for a system user to interactively evaluate, delete, and edit said labels.
14. The system of claim 1 wherein said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user, said verbal validation commands being recognized and provided to said label manager by said speech recognition engine.
15. The system of claim 1 wherein said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels.

16. The system of claim 1 wherein said label manager instructs said electronic device to enter said label search mode during which a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label.
17. The system of claim 1 wherein said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images from said audio/video data for selecting a search label.
18. The system of claim 1 wherein a system user selects a search label by issuing a verbal search-label command, said verbal search-label command being recognized and provided to said label manager by said speech recognition engine.
19. The system of claim 1 wherein said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label.
20. The system of claim 1 wherein said electronic device automatically plays back a specific retrieved one of said respective subject matter locations from said audio/video data for viewing by said system user.

21. A method for cataloguing electronic information, comprising:
capturing audio/video data corresponding to a photographic target by
utilizing an electronic device, said audio/video data including a
narration provided by a narrator to identify respective subject
matter locations in said audio/video data;
providing a speech recognition engine that automatically performs a
speech recognition process upon said narration to generate text
labels that correspond to said respective subject matter locations
in said audio/video data;
managing a label mode for generating and storing said text labels by
utilizing a label manager; and
controlling a label search mode with said label manager, said label
search mode utilizing said text labels to locate said respective
subject matter locations in said audio/video data.
22. The method of claim 21 wherein said electronic device is implemented as an
audio/video camcorder device.
23. The method of claim 21 wherein said speech recognition engine is
configured in a simplified configuration that efficiently compares said narration
with acoustic models to identify phone strings that represent said narration, said
speech recognition engine referencing a compact dictionary to look up recognized
vocabulary words that correspond to said phone strings, said speech recognition
engine utilizing a limited set of recognition grammar to form said recognized
vocabulary words into said text labels that are supported by said speech
recognition engine.

24. The method of claim 21 wherein said label manager initially instructs said electronic device to enter a real-time label mode for creating and storing said text labels, said electronic device concurrently capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode.

25. The method of claim 21 wherein said electronic device enters a real-time label mode in response to a verbal label-mode command from a system user, said verbal label-mode command being recognized and provided to said label manager by said speech recognition engine.

26. The method of claim 21 wherein said speech recognition engine automatically generates said text labels as said electronic device captures said audio/video data and said narration.

27. The method of claim 21 wherein a post processor performs a post-processing procedure upon said text labels in a real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid text labels that fail to satisfy pre-determined validation criteria.

28. The method of claim 21 wherein said label manager stores said text labels during a real-time label mode, said text labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said text labels.

29. The method of claim 21 wherein said electronic device initially captures said audio/video data and said narration prior to entering said label mode.

30. The method of claim 21 wherein said label manager instructs said electronic device to enter a non-real-time label mode for creating and storing said text labels, said electronic device responsively retrieving and playing back said audio/video data and said narration.

31. The method of claim 21 wherein said speech recognition engine automatically generates said text labels by analyzing said audio/video data and said narration as said electronic device plays back said audio/video data and said narration.

32. The method of claim 21 wherein a post processor performs a post-processing procedure upon said text labels in a non-real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid text labels that fail to satisfy pre-determined validation criteria.

33. The method of claim 21 wherein said label manager coordinates a label validation procedure for validating said text labels, said label manager generating a validation graphical user interface upon a display of said electronic device for a system user to interactively evaluate, delete, and edit said text labels.

34. The method of claim 21 wherein said label manager coordinates a label validation procedure for validating said text labels in response to verbal validation commands from a system user, said verbal validation commands being recognized and provided to said label manager by said speech recognition engine.

35. The method of claim 21 wherein said label manager stores said text labels in a non-real-time label mode, said text labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said text labels.
36. The method of claim 21 wherein said label manager instructs said electronic device to enter said label search mode during which a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label.
37. The method of claim 21 wherein said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said text labels and corresponding representative images from said audio/video data for selecting a search label.
38. The method of claim 21 wherein a system user selects a search label by issuing a verbal search-label command, said verbal search-label command being recognized and provided to said label manager by said speech recognition engine.
39. The method of claim 21 wherein said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label.
40. The method of claim 21 wherein said electronic device automatically plays back a specific retrieved one of said respective subject matter locations from said audio/video data for viewing by said system user.

41. A computer-readable medium comprising program instructions for cataloguing electronic information by:

capturing audio/video data corresponding to a photographic target by utilizing an electronic device, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data;

providing a speech recognition engine that automatically performs a speech recognition process upon said narration to generate text labels that correspond to said respective subject matter locations in said audio/video data;

managing a label mode for generating and storing said text labels by utilizing a label manager; and

controlling a label search mode with said label manager, said label search mode utilizing said text labels to locate said respective subject matter locations in said audio/video data.

42. A system for cataloguing electronic information, comprising:

means for capturing audio/video data corresponding to a photographic target, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data;

means for automatically performing a speech recognition process upon said narration to generate text labels that correspond to said respective subject matter locations in said audio/video data;

means for managing a label mode to generate and store said text labels; and

means for controlling a label search mode that utilizes said text labels to locate said respective subject matter locations in said audio/video data.

43. A system for cataloguing electronic information, comprising:
- an imaging device that captures audio/video data corresponding to selected photographic targets, said audio/video data including a verbal narration provided by a narrator to identify respective subject matter locations in said audio/video data;
 - a speech recognition engine that automatically performs a speech recognition process upon said narration to generate text labels that are based upon said narration, said text labels corresponding to said respective subject matter locations in said audio/video data, said text labels including abbreviated word sequences that identify said selected photographic targets; and
 - a label manager that manages a label mode during which said text labels are generated by said speech recognition engine, said label manager also storing said text labels during said label mode, said text labels being stored along with meta-information that associates said respective subject matter locations to corresponding ones of said text labels, said label manager also controlling a label search mode for utilizing said text labels to locate specific corresponding ones of said respective subject matter locations from said audio/video data, said label manager providing a label-search user interface upon a display of said imaging device for displaying said text labels and corresponding visual images of said respective subject matter locations from said audio/video data, a system user interactively choosing a selected text label by utilizing said label-search user interface, said imaging device responsively displaying said audio/video data from a selected subject matter location corresponding only to said selected text label.

44. A system for cataloguing electronic information, comprising:
an electronic device that captures said electronic information that includes verbal narration data provided to identify respective subject matter locations in said audio/video data;
a speech recognition engine that analyzes said electronic information to generate labels that correspond to said respective subject matter locations in said electronic information; and
a label manager that utilizes said labels to locate said respective subject matter locations in said electronic information.
45. A system for cataloguing electronic information, comprising:
an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data; and
a speech recognition engine that automatically performs a speech recognition process upon said audio/video data to generate labels that correspond to said respective subject matter locations in said audio/video data.
46. A system for cataloguing electronic information, comprising:
an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data including a narration provided by a narrator to identify respective subject matter locations in said audio/video data; and
a label manager that controls a label search mode for utilizing labels derived from said narration to locate corresponding ones of said respective subject matter locations in said audio/video data.

47. An electronic cataloguing system implemented by:
- capturing electronic data which includes a narration provided by a narrator to identify respective subject matter locations in said audio/video data;
 - performing a speech recognition process upon said electronic data to automatically generate labels that correspond to said respective subject matter locations in said electronic data; and
 - utilizing said labels to locate said respective subject matter locations in said electronic data.

(9) Evidence Appendix:

None.

(10) Related Proceedings Appendix:

None.